

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MARI OLIVER,**

**Plaintiff,**

V.

**KLEIN INDEPENDENT SCHOOL DIST.,  
BRET CHAMPION, *individually*,  
BRIAN GREENEY, *individually*,  
THOMAS HENSLEY, *individually*,  
KIMBERLY WALTERS, *individually*,  
LANCE ALEXANDER, *individually*,  
BENJIE ARNOLD, *individually*,  
ANGIE RICHARD, *individually*,  
STEPHEN NAETZKER, *individually*, and  
JENNIFER WALTON, *individually*,**

## Defendants.

**Civil Action No. 4:17-cv-3234**

**APPENDIX TO DEFENDANTS' JOINT MOTION FOR RECONSIDERATION OF THE  
COURT'S PROHIBITION ON MOTIONS FOR SUMMARY JUDGMENT AND  
REQUEST FOR AN EXPEDITED RULING**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants in the above-styled and numbered cause and file this Appendix to their Joint Motion for Reconsideration of the Court's Prohibition on Motions for Summary Judgment and Request for an Expedited Ruling.

## **APPENDIX**

<u>Description</u>	<u>Page No.</u>
Deposition of LaShan Arceneaux (excerpts)	001-004
Deposition of Mari Oliver (excerpts)	005-008

Respectfully submitted,

/s/ Francisco J. Valenzuela

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served to all parties of record, in compliance with Rule 5 of the Federal Rules of Civil Procedure, on the 12<sup>th</sup> day of December, 2019.

/s/ Francisco J. Valenzuela

**FRANCISCO J. VALENZUELA**

Videotaped Deposition of LaShan Arceneaux

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

LaSHAN ARCENEAUX, )  
Individually and as next )  
friend of M.O., a minor )  
vs. ) CIVIL ACTION NO. 4:17-CV-3234  
KLEIN INDEPENDENT )  
SCHOOL DISTRICT, ET AL ) JURY TRIAL

ORAL VIDEOTAPED DEPOSITION

LASHAN ARCENEAUX

December 4, 2018

ORAL VIDEOTAPED DEPOSITION OF LASHAN ARCENEAUX, produced as a witness at the instance of Defendants Klein Independent School District, Brent Champion, Brian Greeney, Thomas Hensley, Kimberly Walters and Lance Alexander and duly sworn, was taken in the above-styled and numbered cause on the 3rd day of December, 2018, from 8:58 a.m. to 3:57 p.m., before Teresa Bentley, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Kallinen Law, PLLC, 511 Broadway, Houston, Harris County, Texas, pursuant to Notice, the Federal Rules of Civil Procedure, signature of the witness being requested.

Infinity Reporting Group, LLC  
Office: 832-930-4484 Fax: 832-930-4485

001

Videotaped Deposition of LaShan Arceneaux

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1 beginning tape No. 2. The time is 10:51.

2 Q. Ms. Arceneaux, have you told me about every  
3 time that you can recall meeting with Mr. Hensley?

4 A. I'm not sure.

5 Q. Okay. Well, then, tell me about every time  
6 that you met with him.

7 A. I'm not sure of every time I met with him.

8 Q. Okay. Have you told me about every time that  
9 you've met with him that you can recall?

10 A. Yes.

11 Q. Okay. Now, when you met with Dr. Greeney in  
12 the summer of 2016, he told you that your daughter did  
13 not need to stand for the pledge if you submitted a  
14 written request, right?

15 A. I don't believe he mentioned a written request.

16 Q. Did you hear Mari talk about that yesterday,  
17 that he told you in that meeting that all you had to do  
18 was submit a written request?

19 A. I don't recall him specifically saying that.

20 I -- I remember being aware of it sometime during her  
21 senior year, but at that point, in my mind, I thought  
22 they already knew of my desire or my acceptance of her,  
23 you know, sitting for the pledge because it had been an  
24 ongoing thing.

25 Q. Okay. Did you ever submit at any time that

Videotaped Deposition of LaShan Arceneaux

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1       Mari attended Klein Oak, did you ever submit a written  
2       request that Mari not stand for the pledge or be excused  
3       from doing the pledge?

4           A.    No.    No one ever requested it from me.

5           Q.    And if Mari says that you were informed that  
6       that's what you needed to do at that meeting --

7           A.    Let me clarify.   No one ever specifically came  
8       back.   So, if he mentioned in that meeting, I am not  
9       sure.   But there was not a time where someone  
10       specifically came back to me and said, "Hey, this will  
11       be alleviated if you submit this."   That never happened.  
12       Because, obviously, I would have done said "Oh, okay.  
13       Let me write that."

14       Q.    Did you ever look up the policy yourself?

15       A.    I did not.

16       Q.    Okay.   At any time that Mari was at Klein Oak  
17       when you believe her civil rights were being violated  
18       for not being allowed to stand for the pledge, you never  
19       looked up to see what the policy was?

20       A.    I looked in the student handbook and the parent  
21       handbook and I don't believe that either one of them  
22       spelled that out, if that makes sense.   So, that was one  
23       of my things that I had mentioned to Dr. Greeney was,  
24       you know, put it in the student or parent handbook  
25       because then -- that's what -- that's what we sign at

Videotaped Deposition of LaShan Arceneaux

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1 STATE OF TEXAS

2 COUNTY OF HARRIS

3

4 REPORTER'S CERTIFICATE

5 ORAL VIDEOTAPED DEPOSITION OF LASHAN ARCNEAUX

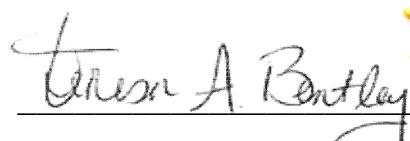
6 December 4, 2018

7

8 I, the undersigned Certified Shorthand Reporter in  
9 and for the State of Texas, certify that the facts  
10 stated in the foregoing pages are true and correct.

11 I further certify that I am neither attorney or  
12 counsel for, related to, nor employed by any parties to  
13 the action in which this testimony is taken and,  
14 further, that I am not a relative or employee of any  
15 counsel employed by the parties hereto or financially  
16 interested in the action.

17 SUBSCRIBED AND SWORN TO under my hand and seal of  
18 office on this the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_.

20   
21 

22 Teresa Bentley, CSR  
23 Texas CSR 3520  
24 Expiration: 12/31/19  
25 INFINITY REPORTING GROUP, LLC  
11231 Richmond Avenue  
Suite D110  
Houston, Texas 77082

Videotaped Deposition of M. O.

Page 1

IN THE UNITED STATES DISTRICT COURT  
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HOUSTON DIVISION

LaSHAN ARCENEAUX, )  
Individually and as next )  
friend of M.O., a minor )  
vs. ) CIVIL ACTION NO. 4:17-CV-3234  
KLEIN INDEPENDENT )  
SCHOOL DISTRICT, ET AL ) JURY TRIAL

ORAL VIDEOTAPED DEPOSITION

M.O.

December 3, 2018

ORAL VIDEOTAPED DEPOSITION OF M.O., produced as a witness at the instance of Defendants Klein Independent School District, Brent Champion, Brian Greeney, Thomas Hensley, Kimberly Walters and Lance Alexander and duly sworn, was taken in the above-styled and numbered cause on the 3rd day of December, 2018, from 9:08 a.m. to 5:58 p.m., before Teresa Bentley, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Kallinen Law, PLLC, 511 Broadway, Houston, Harris County, Texas, pursuant to Notice, the Federal Rules of Civil Procedure, signature of the witness being requested.

Infinity Reporting Group, LLC  
Office: 832-930-4484 Fax: 832-930-4485

005

Videotaped Deposition of M. O.

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1 to leave the school grounds.

2 Q. You think that's because you weren't standing  
3 for the pledge that -- that she was treating you that  
4 way?

5 A. There was no other thing that could have been,  
6 so....

7 Q. Okay. Did you ever look up the school district  
8 policy about the pledge of allegiance?

9 A. I know I saw in the student handbook that it  
10 said that like they did it every day along with a moment  
11 of silence, but I never looked any further than that  
12 regarding Klein Oak, if that makes sense.

13 Q. You saw -- did you see where it -- where it --  
14 if -- that the district can excuse a student from  
15 reciting a pledge of allegiance if they've gotten a  
16 student's written -- there's a written request received  
17 from the student's parent or guardian? Did you know  
18 about that?

19 A. I found out about that my junior year in the  
20 meeting with Dr. Greeney.

21 Q. Okay. And had y'all, prior to that, ever  
22 turned in any kind of written request --

23 A. No.

24 Q. -- that you be excused from standing for the  
25 pledge?

Videotaped Deposition of M. O.

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1 A. No.

2 Q. Did you turn one in then?

3 A. No.

4 Q. Did you ever turn in one?

5 A. I don't recall.

6 (Exhibit No. 2 marked)

7 Q. Let me hand to you what I've marked as M.O.

8 Exhibit 2. Is that the doctor's note, the forged  
9 doctor's note, that your mom turned in?

10 A. I don't know.

11 Q. You don't know what doctor it was that she had  
12 forged the signature on?

13 A. No. I remember -- I know the doctor, but I  
14 didn't see the note.

15 Q. Okay. Is that the right doctor, then?

16 A. Yes.

17 Q. Okay. Okay. And -- never mind.

18 MR. GROVER: I don't think I have any  
19 further questions for you, Ms. Olive. I'll pass the  
20 witness.

21 MR. VALENZUELA: Let's go off the record  
22 for a little bit.

23 THE VIDEOGRAPHER: We're going off the  
24 record. The time is 11:56 a.m.

25 (Luncheon recess)

Videotaped Deposition of M. O.

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1 STATE OF TEXAS

2 COUNTY OF HARRIS

3

4 REPORTER'S CERTIFICATE

5 ORAL VIDEOTAPED DEPOSITION OF M.O.

6 December 3, 2018

7

8 I, the undersigned Certified Shorthand Reporter in  
9 and for the State of Texas, certify that the facts  
10 stated in the foregoing pages are true and correct.

11 I further certify that I am neither attorney or  
12 counsel for, related to, nor employed by any parties to  
13 the action in which this testimony is taken and,  
14 further, that I am not a relative or employee of any  
15 counsel employed by the parties hereto or financially  
16 interested in the action.

17 SUBSCRIBED AND SWORN TO under my hand and seal of  
18 office on this the \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_.

20  
21 Teresa A Bentley  
22



22 Teresa Bentley, CSR  
Texas CSR 3520  
23 Expiration: 12/31/19  
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